REMARKS

Claims 1-24 were pending in the instant application. All claims presently stand rejected. Claims 2, 11, 17 and 22 have been canceled. Claims 1, 3, 6, 9, 12, 15, and 20 are amended herein. Claims 25-28 are newly added. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Objections

Claim 6 has been objected to because of informalities. In response, Claim 6 has been amended to recite" the plurality of different storage protocols". Removal of the objection to Claim 6 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 6, 9, 12, 14, 15, 17-20, and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood et al. (US 6,915,363) in view of Haymes et al. (US 6,654,383).

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03.

Amended independent claim 1 now recites, in pertinent part,

> protocol sensing circuitry to determine based on an initialization signal sequence indicative of a storage protocol received from the at least one storage device which one of a plurality of storage protocols is associated with the at least one storage device,

Applicants respectfully submit that the combination of Wood and Haymes fails to teach or suggest protocol sensing circuitry to determine <u>based on an initialization signal sequence indicative of a storage protocol received from the at least one storage device</u> which one of a plurality of storage protocols is associated with the at least one storage device.

To be sure, the Examiner cites port controllers 316 illustrated in FIG. 3 of Wood as corresponding to the claimed intermediate device. Wood discloses,

> These OOB signals, including COMRESET, COMWAKE, and COMINIT signals, will be exchanged between the disc drives 318 and the port controllers 316 in this embodiment to establish a communication link.

Wood, col. 8, lines 52-56. However, Wood fails to teach or suggest port controllers 316 as being capable of determining <u>based on an initialization signal sequence indicative of a storage protocol received from the at least one storage device</u> which one of a plurality of storage protocols is associated with the at least one storage device. In fact, the Examiner acknowledged that Wood "does not teach ... protocol sensing circuitry ..." *Office Action* mailed 08/16/06, page 3 to page 4.

However, Haymes also fails to disclose, teach, or suggest this same feature of claim 1. Haymes merely discusses clock and data recovery ("CDR") circuitry 102 and multi-protocol framers 104 and 106 for use with frame-based network protocols (e.g., LAN or WAN). The data framing protocol may be detected so that valid data may be extracted from the frame. However, Haymes fails to teach or suggest that transmission system 100 is capable of determining based on an initialization signal sequence indicative of a storage protocol received from the at least one storage device which one of a plurality of storage protocols is associated with the at least one storage device.

Consequently, the combination of Wood and Haymes fails to teach or suggest all elements of claim 1, as required under M.P.E.P. § 2143.03.

Furthermore, "[t]he mere fact that references <u>can</u> be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990.)" (*See* MPEP 2143.01 III.)

The Office action does not identify any evidence in the prior art indicating or in any way suggesting the desirability of the proposed modifications. The Office fails to identify a suggestion or motivation in the prior art for combining Wood and Haymes. The Office action merely states: "it would have been obvious to combine Haymes with Wood for the benefit of enabling the changing of protocol without manual interaction and without requiring a priori knowledge of the protocol used by the source". There

must be actual evidence of a suggestion to modify a prior art reference or to combine two prior art references, and the suggestion to combine or modify the prior art must be clear and particular. (See In re Dembiczak, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999).)

Furthermore, Wood is directed to a data storage device array and Haymes is directed to a data framer for supporting network protocols. One of ordinary skill in the art of storage arrays would not look to data framers for supporting network protocols for "protocol sensing circuitry to determine based on an initialization signal sequence indicative of a storage protocol received from the at least one storage device which one of a plurality of storage protocols is associated with the at least one storage device" as claimed by the Applicants in claim 1.

Independent claims 9, 15, and 20 include similar nonobvious elements as independent claim 1. Accordingly, Applicants request that the instant §103(a) rejections of claims 1, 9, 15, and 20 be withdrawn.

The dependent claims are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.
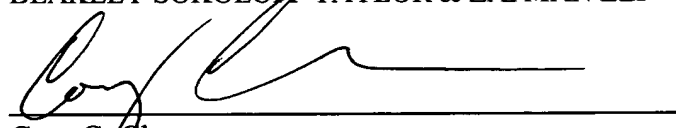
CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: _Nov. 16, 2006_

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